

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, April 08, 2019

**TIME:** 11:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green(18)

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Harris** called the meeting to order at 11:00am.

**RS 27187:** **Rep. Dixon**, District 1, stated the purpose of this proposed legislation is to require additional information during the voter initiative process, and on the ballot. He explained as with legislative proposals, initiatives/referendums will also be asked to follow a single subject rule, include a fiscal impact statement, and the proposed funding source. The effective date would be no sooner than July 1 following the vote on the ballot.

In response to questions and concerns regarding whether **RS 27817** was any different than **S 1159aa** and **H 296**, **Rep. Dixon** explained this and the other three RSs on the agenda are rewrites. There is similar language, but rather than have all the issues in one bill, it is broken up into four separate pieces.

In response to questions and concerns regarding whether it would violate legislative rules to re-introduce bills that already went through the legislative process and were vetoed, **Rep. Dixon** and **Chairman Harris** clarified this is a new RS and although the language is similar, word for word there are changes. When asked if there was any change at all, or any deviation, Rep. Dixon replied there are individual language changes in each one to address individual topics, collectively they are the same, individually they are different.

In response to the question as to whether there is a violation of legislative rules, **Rep. Monks** suggested it may have been Joint Rule 9 because it does state bills passed by one House and rejected by the other may not be introduced in the House of origin during the session in which it was originally introduced. He stated if this is the rule in question, it would not apply to this situation because both Houses passed **S 1159aa** and **H 296**.

**Rep. Crane** requested the committee be put at ease and to seek guidance from the Parliamentarian on this issue.

The committee spent time discussing the legitimacy of moving the proposed legislation forward in light of legislative rules, the late date of the Session, the amount of time it would take to go through the process, and if this is a good use of the Legislature and the public's time and money.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 27187** and recommend it be sent directly to the Second Reading Calendar.

**SUBSTITUTE MOTION:**

**Rep. Gannon** made a substitute motion to return **RS 27187** to the sponsor because it has already been considered by the Legislature and the Governor and it would be insulting to that process to look at identical legislation for the second time.

**Rep. Crane** requested before a vote is taken on either motion they seek guidance from the Parliamentarian regarding concerns raised about introducing legislation that has already been heard earlier in the Session.

**Chairman Harris** put the committee at ease at 11:15am.

**Chairman Harris** resumed the meeting at 11:26am.

**MOTION WITHDRAWN:**

**Rep. Gannon** stated this issue will be researched further, therefore he withdraws his substitute motion to return **RS 27187** to the sponsor.

**MOTION WITHDRAWN:**

**Rep. Palmer** withdrew his motion to introduce **RS 27187** with the recommendation it be sent directly to the Second Reading Calendar.

**Chairman Harris** put the committee at recess at the call of the chair at 11:28am.

**Chairman Harris** resumed the meeting at 12:12pm.

**Chairman Harris** stated the Parliamentarian researched the issue and determined the committee is in order, therefore a motion is in order.

**MOTION:**

**Rep. Palmer** made a motion to introduce **RS 27187** and recommend it be sent directly to the Second Reading Calendar.

**SUBSTITUTE MOTION:**

**Rep. Gannon** made a substitute motion to return **RS 27187** to the sponsor. Speaking to the motion, he referenced Section 159 in Mason's Manual which states in part "when a bill was once passed or rejected, another of the same substance could not be brought in again during the same session." He stated there is a legal process in place to override the Governor's veto with 2/3 of the Body, so by circumventing that process by trying to introduce the same bill again renders the rules meaningless.

**Rep. Monks** spoke to the substitute motion. He stated the Parliamentarian has ruled the motion to introduce **RS 27187** is in order and referenced Mason's Manual Section 725, Subsection 5, which states in part "a new bill, presenting the same question or the same question in modified form, or a bill presenting substantially the same question, may be introduced."

**AMENDED SUBSTITUTE MOTION:**

**Rep. Scott** made an amended substitute motion to introduce **RS 27187** stating this legislation should at least be heard in committee.

**Rep. Smith** spoke in opposition to the amended substitute motion. She stated the public believes this bill has been vetoed by the Governor and so is going against a wide support of opposition. She stated she also has legal concerns this will end up in court.

**VOTE ON AMENDED SUBSTITUTE MOTION:**

**Chairman Harris** called for a vote on the amended substitute motion to introduce **RS 27187**. **Motion failed by voice vote.**

**Rep. Monks** requested clarification as to the difference between the original motion and the amended substitute motion.

**Chairman Harris** explained a recommendation is not a binding part of a motion therefore the original motion and the amended substitute motion are identical. He stated the amended substitute motion is out of order and is withdrawn.

**Rep. Green** expressed her concern regarding the fact they are taking away the opportunity for the public to weigh in. Each of the RSs before the committee today bring a different purpose so is disheartened there may not be any public hearings.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Harris** called for a vote on the substitute motion to return **RS 27187** to the sponsor. **Motion failed by voice vote.**

**VOTE ON  
ORIGINAL  
MOTION:**

Roll call vote was requested by **Rep. Scott**. The **original motion carried by a vote of 8 AYE, 7 NAY. Voting in favor** of the original motion: **Chairman Harris and Reps. Armstrong, Crane, Palmer, Holtzclaw, Monks, Andrus, and Young. Voting in opposition** to the original motion: **Reps. Barbieri, Zito, Scott, Hartgen, Smith, Gannon, and Green (18). Rep. Dixon** will sponsor the bill on the floor.

**RS 27188:**

**Rep. Dixon**, District 1, stated the purpose of this proposed legislation is to increase voter involvement in the voter initiative/referendum process. The current 6% requirement of secured signatures of registered voters will be raised to 10% in at least 18 legislative districts.

**MOTION:**

**Rep. Scott** made a motion to introduce **RS 27188**.

**SUBSTITUTE  
MOTION:**

**Rep. Green** made a substitute motion to return **RS 27188** to the sponsor.

**VOTE ON THE  
SUBSTITUTE  
MOTION:**

Roll call vote was requested by **Rep. Green**. The **substitute motion failed by a vote of 5 AYE, 10 NAY. Voting in favor** of the substitute motion: **Reps. Scott, Hartgen, Smith, Gannon, and Green (18). Voting in opposition** to the substitute motion: **Chairman Harris and Reps. Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Andrus, and Young.**

**Rep. Smith** spoke to the original motion stating raising the percentage of voter signatures required makes it difficult and will be voting against the motion.

**Rep. Zito** spoke to the original motion stating she doesn't see this as restrictive but rather it expands and protects the rural counties and districts so they can be better represented in the process.

**VOTE ON  
ORIGINAL  
MOTION:**

**Chairman Harris** called for a vote on the original motion to introduce **RS 27188**. **Motion carried by voice vote.**

**RS 27189:**

**Rep. Dixon**, District 1, stated the purpose of this proposed legislation is to increase voter involvement in the voter initiative/referendum process by requiring signatures be secured from 2/3 (24) of the legislative districts.

**MOTION:**

**Rep. Scott** made a motion to introduce **RS 27189**.

**SUBSTITUTE  
MOTION:**

**Rep. Green** made a substitute motion to return **RS 27189** to the sponsor.

**VOTE ON  
SUBSTITUTE  
MOTION:**

Roll call vote was requested. The **substitute motion failed by a vote of 5 AYE, 10 NAY. Voting in favor** of the substitute motion: **Reps. Scott, Hartgen, Smith, Gannon, and Green. Voting in opposition** to the substitute motion: **Chairman Harris and Reps. Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Andrus, and Young.**

**VOTE ON  
ORIGINAL  
MOTION:**

**Chairman Harris** called for a vote on the original motion to introduce **RS 27189**. **Motion carried by voice vote.**

**RS 27190:**

**Rep. Dixon**, District 1, stated the purpose of this proposed legislation is to change the number of days allowed for obtaining signatures in the initiative/referendum process from 18 months to 270 days.

In response to concerns that less time to obtain more signatures in more districts would stifle the process **Rep. Dixon** replied **RS 27190** does nothing to change the current 18 district requirement. He stated it shortens the amount of time required to obtain the necessary signatures and that the two initiatives on the last ballot had the required number of signatures in far less than 270 days, so it should be possible.

**MOTION:** **Rep. Green** made a motion to return **RS 27190** to the sponsor.

**SUBSTITUTE MOTION:** **Rep. Scott** made a substitute motion to introduce **RS 27190**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 12:50pm.

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Representative Harris  
Chair

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Tracey McDonnell  
Secretary